

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UNITED STATES OF AMERICA,
Plaintiff,

vs.

KENDALL ROSSEL SWENSON,
Defendant.

MEMORANDUM DECISION AND
ORDER DENYING DEFENDANT'S
REQUEST FOR SENTENCE
AMENDMENT

Case No. 2:03-CR-135 TS

This matter is before the Court on Defendant's Request for Sentence Amendment. In his Request, Defendant states that he is currently being held in the Utah State Prison on a parole violation. Defendant is to self-surrender to a facility designated by the Federal Bureau of Prisons by February 27, 2009, to serve his sentence for violating the terms of his supervised release in this matter. Defendant requests that the Court designate the Utah State Prison as the facility to serve the term of imprisonment for his supervised release.

18 U.S.C. § 3621(b) states that "[t]he Bureau of Prisons shall designate the place of the prisoner's confinement." The Tenth Circuit has explained that § 3621(b) gives the Bureau of


Prisons the primary authority to determine the facility where a prisoner should be placed.¹ Further, the Supreme Court has held that federal prisoners generally enjoy no constitutional right to placement in any particular penal institution.² Based on this, the Court finds that it lacks the authority to mandate Defendant's placement at a particular facility.

It is therefore

ORDERED that Defendant's Request for Sentence Amendment (Docket No. 80) is DENIED.

DATED February 19, 2009.

BY THE COURT:



TED STEWART
United States District Judge

¹*Prows v. Federal Bureau of Prisons*, 981 F.2d 466, 468 n.3 (10th Cir. 1992).

²*See id.* (collecting cases).